

REMARKS

Claims 1 and 3-42 remain pending in the current application. No amendment to the claims are made in this response, thus, no new matter is introduced.

In the Section 3 of the Office Action, the Examiner rejects claims 1, 3-6, 8, 10-14, and 18-42 under 35 U.S.C. §102(e) as being anticipated by Marrah et al. (US 6,728,522).

Applicant respectfully disagrees with the assertion of the Examiner, and submits that the Marrah et al. reference neither discloses nor suggests the key claim elements of storing a set of listener preferences, and using the stored listener preferences as a predetermined selection criteria to select a group of broadcast signals.

The Examiner states that Marrah et al. discloses and suggests storing a set of listener preferences (col. 1, lines 56-60) and using the stored listener preferences as a predetermined selection criteria to select a group of broadcast signals, citing col. 1, lines 62-65.

Applicant concedes that what is described in col. 1, lines 56-60 (i.e., a “geographic identification code”) corresponds to the claim element “a current location of the receiver” in the present invention. However, Applicant respectfully submits that the additional claim element of “a set of listener preferences” is not provided by the Marrah et al. reference. In order for Marrah et al. to anticipate the present invention, it must provide all of the claim elements.

Applicant clearly describes what is meant by listener preferences in the Specification on page 9, lines 1-6 reproduced below:

Memory 26 also includes a set of listener preferences 28. As in a conventional receiver, listener preferences can include memorized station presets; volume balance, fader, base and treble settings, etc. In addition to the conventional preferences, listener preferences 28 can include user defined programming choices, such as specific syndicated programming (e.g., Rush Limbaugh, Dr. Laura Schlessinger, Bob and Tom, Money Talk, etc.), which can be assigned to user definable pushbutton controls on receiver 12.

Thus, “listener preferences”, as specifically enumerated in the Specification of the present invention, does not include the “current location of the receiver”, as claimed by the Examiner. Rather, listener preferences (i.e., user preferences), typically include specific programming choices, such as program formats or programs that are of special interest to a user. In the case of Marrah et al., there are not multiple program formats. The database of weather channels utilized by Marrah et al. is specifically directed to only one programming choice (i.e., weather).

In summary, the present invention includes three necessary elements (1 - the current location of the receiver; 2 – a database of broadcast sources for a plurality of broadcast locations; and 3 - a set of listener preferences) that are used as the predetermined selection criteria for selecting a group of broadcast signals as described in claim 1. Applicant submits that while Marrah et al. does provide element 1, 2, it does not provide element 3 (e.g., the set of listener preferences). Applicant respectfully submits that the passage cited by the Examiner corresponds to the “current location of the receiver” rather than a set of “listener preferences”, and that Marrah et al. does not anticipate listener preferences, as claimed in the present invention. Applicant further submits that claim 1 of the present invention is allowable for this reason.

Similarly, independent claim 35 also requires a set of listener preferences, which, for reasons stated above, are missing from the Marrah et al. reference. Thus, Applicant submits that independent claim 35 is also allowable.

Applicant will now specifically address the Examiner's response to arguments provided by Applicant in his April 7, 2005 response. For all claims not specifically addressed by the Examiner's response to arguments, Applicant reiterates, by reference, the arguments if the response filed April 7, 2005.

Applicant asserts that Marrah et al. does not distinguish between the program formats of the channels, as required by claim 3, since all of the channels in the database are exclusively weather related. The Examiner disagrees with the Applicant's assertion that all of the channels in the database are not exclusively weather related, stating that the channels are also used for AM and/or FM broadcast signals (citing column 3, lines 12-14).

Applicant respectfully submits that the database described by the Examiner and utilized by Marrah et al. (e.g., the Specific Area Message Encoding or SAME database provided by the National Oceanic and Atmospheric Administration (NOAA)) is **exclusively used for continuous weather and emergency related update to local geographic regions, and nothing else** (see Marrah et al., col. 1 lines 15-17, and col. 1 lines 35-37). The SAME database is specifically architected for weather information broadcast on 7 frequencies (162.400, 162.425, 162.450, 162.475, 162.500, 162.525 and 162.550 MHz), and cannot accommodate the frequencies utilized by AM and FM radio stations in the US.

Marrah et al. neither discloses nor suggests the use of the SAME system to distinguish between program formats for the channels, since all of the channels in the SAME database are the same format (i.e., weather related). The passage cited by the Examiner merely states that an existing AM/FM car radio may also include a weather band, and nothing more. The passage does not disclose nor suggest any integration of existing AM or FM stations into a database that is exclusively weather related.

With regard to claim 5, Applicant submits that Marrah et al. neither discloses nor suggests that the current location of receiver entered by the listener is a zip code. The Examiner disagrees, citing column 1, lines 52-56.

The passage cited by the Examiner makes no mention whatsoever of zip codes. Further, attached in Appendix A of this paper is a list of SAME database codes provided by NOAA for the state of Minnesota. As shown, the SAME system does not even use zip codes, rather the SAME system utilizes a six digit numeric code that corresponds to a county to specify the current location of the receiver. For this reason, claim 5 is submitted as being in condition for allowance.

With regard to claim 8, Applicant states that Marrah et al. neither discloses nor suggests the current location of the device being entered by the listener of a keypad integral to the device. The Examiner disagrees, citing col. 1, lines 62-65 of Marrah et al.

Applicant respectfully submits that the passage cited by the Examiner makes no reference at all to a keypad integral to the device. In fact, the passage only makes a general statement that when the radio is transmitted from one region to another region, it must be reprogrammed by the user. There is nothing in the passage that describes how this occurs. In fact, there are numerous ways by which the unit could be reprogrammed (e.g., voice command, via a flash memory card or computer disk, etc.) which do not involve the use of a keyboard integral to the device. For this reason, claim 8 is submitted as being in condition for allowance.

With regard to claim 13, the Applicant submits that Marrah et al. neither discloses nor suggests that the current location of the receiver is provided by a cellular phone internal to the apparatus. The Examiner disagrees, citing col. 2, lines 59-63 of Marrah et al.

The Applicant respectfully disagrees that the passage cited by the Examiner describes an apparatus wherein the current location of the receiver is provided by a cellular phone internal to the apparatus. The Marrah et al. passage cited by the Examiner merely states that the weather band radio may be employed as a separate stand alone device such as a portable hand held device. There is no discussion whatsoever of cellular phones in any context in this passage, much less in the context wherein the cellular phone provides the location of the receiver. Handheld devices can take several forms that have nothing to do with cellular phones (e.g., portable handheld radios, handheld PDA's, etc.). For this reason, claim 13 is submitted as in condition for allowance.

For these reasons, claims 7, 9 and 15-17 are now submitted as allowable.

In Section 21 of the Office Action, the Examiner rejects claims 7, 9, and 15-17 under 35 U.S.C. §103(a) as being unpatentable over Marrah et al. (US 6,728,522).

Applicant respectfully submits that the rejection of claims 7 and 9 is improper, since the passages cited by the Examiner (col. 3-4, lines 65-21 with regard to claim 7 and col. 3, lines 1-10 with regard to claim 9) make no mention of city codes or the use of voice input. As described previously, and shown in Appendix A, same codes are currently done on a county basis, not a city basis.

With regard to claims 15-17, the Examiner concedes that Marrah does not utilize a CD-ROM disk, a CD-RW disk or a writable DVD. The Examiner states that the database of broadcast services is provided to the receiver by a removable memory module, yet the passage cited by the Examiner (col. 5, lines 45-50), makes no mention of a memory module in any context.

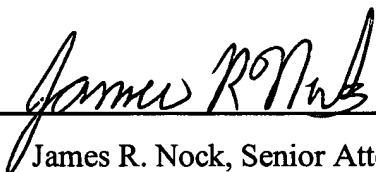
For these reasons, claims 7, 9 and 15-17 are now submitted as allowable.

CONCLUSION

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1 and 3-42) are in condition for allowance and that the application should be passed to issue.

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Appendix A – NOAA Weather Radio – Minnesota County Coverage

weather.gov



NOAA's National Weather Service

NOAA Weather Radio

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Minnesota

County Coverage

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<u>COUNTY/CITY/AREA</u>	<u>SAME #</u>	<u>NWR TRANSMITTER</u>	<u>FREQ.</u>	<u>CALL SIGN</u>	<u>WATTS</u>	<u>REMARKS</u>
Aitkin	027001	Aitkin, MN	162.450	KZZ84	1000	North 1/2
Aitkin	027001	Coleraine, MN	162.400	KZZ29	1000	1/2 North
Aitkin	027001	Pine City, MN	162.425	WNG678	1000	Southern 1/2
Anoka	027003	Clearwater, MN	162.500	WNG676	1000	
Anoka	027003	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Anoka	027003	Pine City, MN	162.425	WNG678	1000	
Becker	027005	Detroit Lakes, MN	162.400	WXM64	300	
Becker	027005	Fergus Falls, MN	162.500	WNG680	1000	
Becker	027005	Park Rapids, MN	162.475	WWG98	1000	
Becker	027005	Waubun, MN	162.450	WNG610	300	
Beltrami	027007	Bemidji, MN	162.425	WXM99	1000	
Beltrami	027007	Roosevelt, MN	162.450	WWF45	190	
Beltrami	027007	Thief River Falls, MN	162.550	WXK43	1000	
Benton	027009	Clearwater, MN	162.500	WNG676	1000	
Benton	027009	St. Cloud, MN	162.400	WXL65	1000	
Benton	027009	Willmar, MN	162.475	WXK44	1000	
Big Stone	027011	Appleton, MN	162.550	KXI32	1000	
Big Stone	027011	Kensington, MN	162.400	WNG707	1000	
Big Stone	027011	South Shore, SD	162.425	WXM41	1000	
Blue Earth	027013	Mankato, MN	162.400	WXK40	1000	
Blue Earth	027013	New Ulm, MN	162.525	KXI39	1000	
Brown	027015	Jeffers, MN	162.450	KXI31	1000	
Brown	027015	Mankato, MN	162.400	WXK40	1000	
Brown	027015	New Ulm, MN	162.525	KXI39	1000	
Brown	027015	Olivia, MN	162.400	WNG711	300	
Carlton	027017	Aitkin, MN	162.450	KZZ84	1000	
Carlton	027017	Duluth, MN	162.550	KIG64	1000	
Carver	027019	Clearwater, MN	162.500	WNG676	1000	
Carver	027019	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Carver	027019	Norwood, MN	162.425	WNG685	300	
Cass	027021	Coleraine, MN	162.400	KZZ29	1000	North
Cass	027021	Leader, MN	162.550	WXJ64	1000	
Cass	027021	Long Prairie, MN	162.525	WNG673	1000	
Chippewa	027023	Appleton, MN	162.550	KXI32	1000	
Chippewa	027023	Olivia, MN	162.400	WNG711	300	
Chippewa	027023	Willmar, MN	162.475	WXK44	1000	
Chisago	027025	Minneapolis/St. Paul, MN	162.550	KEC65	1000	S
Chisago	027025	Pine City, MN	162.425	WNG678	1000	
Clay	027027	Detroit Lakes, MN	162.400	WXM64	300	
Clay	027027	Fargo, ND	162.475	WXK42	1000	
Clay	027027	Fergus Falls, MN	162.500	WNG680	1000	
Clearwater	027029	Bemidji, MN	162.425	WXM99	1000	
Clearwater	027029	Thief River Falls, MN	162.550	WXK43	1000	
Cook	027031	Grand Marais, MN	162.450	KXI43	300	
Cook	027031	Gun Flint Lake, MN	162.525	KXI45	300	

Cottonwood	027033	Jeffers, MN	162.450	KXI31	1000	
Cottonwood	027033	New Ulm, MN	162.525	KXI39	1000	
Crow Wing	027035	Aitkin, MN	162.450	KZZ84	1000	
Crow Wing	027035	Leader, MN	162.550	WXJ64	1000	N
Crow Wing	027035	Long Prairie, MN	162.525	WNG673	1000	
Dakota	027037	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Dodge	027039	Rochester, MN	162.475	WXK41	1000	
Douglas	027041	Kensington, MN	162.400	WNG707	1000	
Douglas	027041	Long Prairie, MN	162.525	WNG673	1000	
Faribault	027043	Mankato, MN	162.400	WXK40	1000	
Faribault	027043	New Ulm, MN	162.525	KXI39	1000	
Faribault	027043	Ringsted, IA	162.475	WNG688	300	
Fillmore	027045	Decorah, IA	162.525	KXI60	300	
Fillmore	027045	Rochester, MN	162.475	WXK41	1000	
Freeborn	027047	Mankato, MN	162.400	WXK40	1000	
Freeborn	027047	St. Ansgar, IA	162.450	KXI68	1000	
Goodhue	027049	Rochester, MN	162.475	WXK41	1000	
Grant	027051	Fergus Falls, MN	162.500	WNG680	1000	
Grant	027051	Kensington, MN	162.400	WNG707	1000	
Hennepin	027053	Clearwater, MN	162.500	WNG676	1000	
Hennepin	027053	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Hennepin	027053	Norwood, MN	162.425	WNG685	300	
Houston	027055	Decorah, IA	162.525	KXI60	300	
Houston	027055	Rochester, MN	162.475	WXK41	1000	
Hubbard	027057	Bemidji, MN	162.425	WXM99	1000	N 1/2
Hubbard	027057	Park Rapids, MN	162.475	WWG98	1000	
Hubbard	027057	Waubun, MN	162.450	WNG610	300	
Isanti	027059	Clearwater, MN	162.500	WNG676	1000	
Isanti	027059	Pine City, MN	162.425	WNG678	1000	
Itasca	027061	Coleraine, MN	162.400	KZZ29	1000	
Jackson	027063	Jeffers, MN	162.450	KXI31	1000	
Jackson	027063	Milford, IA	162.550	KZZ80	300	
Jackson	027063	New Ulm, MN	162.525	KXI39	1000	
Kanabec	027065	Aitkin, MN	162.450	KZZ84	1000	
Kanabec	027065	Pine City, MN	162.425	WNG678	1000	
Kandiyohi	027067	Appleton, MN	162.550	KXI32	1000	
Kandiyohi	027067	Olivia, MN	162.400	WNG711	300	
Kandiyohi	027067	Willmar, MN	162.475	WXK44	1000	
Kittson	027069	Lake Bronson, MN	162.525	WNG583	300	
Kittson	027069	Thief River Falls, MN	162.550	WXK43	1000	
Koochiching	027071	Elephant Lake, MN	162.450	KZZ44	300	
Koochiching	027071	International Falls, MN	162.550	WXK45	1000	
Lac qui Parle	027073	Appleton, MN	162.550	KXI32	1000	
Lac qui Parle	027073	South Shore, SD	162.425	WXM41	1000	
Lac qui Parle	027073	Willmar, MN	162.475	WXK44	1000	
Lake	027075	Duluth, MN	162.550	KIG64	1000	SW
Lake	027075	Ely, MN	162.500	KXI44	300	N
Lake	027075	Finland, MN	162.425	WNG630	300	
Lake	027075	Gun Flint Lake, MN	162.525	KXI45	300	N
Lake of the Woods	027077	Roosevelt, MN	162.450	WWF45	190	
Le Sueur	027079	Mankato, MN	162.400	WXK40	1000	
Le Sueur	027079	Norwood, MN	162.425	WNG685	300	
Lincoln	027081	Russell, MN	162.500	KXI50	1000	
Lyon	027083	Russell, MN	162.500	KXI50	1000	
McLeod	027085	Clearwater, MN	162.500	WNG676	1000	
McLeod	027085	New Ulm, MN	162.525	KXI39	1000	
McLeod	027085	Norwood, MN	162.425	WNG685	300	
McLeod	027085	Willmar, MN	162.475	WXK44	1000	
Mahnomen	027087	Detroit Lakes, MN	162.400	WXM64	300	
Mahnomen	027087	Waubun, MN	162.450	WNG610	300	

Marshall	027089	Petersburg, ND	162.400	WXM38	1000	W 1/2
Marshall	027089	Thief River Falls, MN	162.550	WXK43	1000	
Martin	027091	Mankato, MN	162.400	WXK40	1000	
Martin	027091	New Ulm, MN	162.525	KXI39	1000	
Martin	027091	Ringsted, IA	162.475	WNG688	300	
Meeker	027093	Clearwater, MN	162.500	WNG676	1000	
Meeker	027093	Norwood, MN	162.425	WNG685	300	
Meeker	027093	Willmar, MN	162.475	WXK44	1000	
Mille Lacs	027095	Aitkin, MN	162.450	KZZ84	1000	
Mille Lacs	027095	Clearwater, MN	162.500	WNG676	1000	
Mille Lacs	027095	Pine City, MN	162.425	WNG678	1000	
Mille Lacs	027095	St. Cloud, MN	162.400	WXL65	1000	S
Morrison	027097	Aitkin, MN	162.450	KZZ84	1000	
Morrison	027097	Long Prairie, MN	162.525	WNG673	1000	
Mower	027099	Rochester, MN	162.475	WXK41	1000	
Mower	027099	St. Ansgar, IA	162.450	KXI68	1000	
Murray	027101	Fulda, MN	162.425	WNG702	300	
Murray	027101	Jeffers, MN	162.450	KXI31	1000	
Murray	027101	Russell, MN	162.500	KXI50	1000	
Nicollet	027103	Mankato, MN	162.400	WXK40	1000	
Nicollet	027103	New Ulm, MN	162.525	KXI39	1000	
Nicollet	027103	Norwood, MN	162.425	WNG685	300	
Nobles	027105	Fulda, MN	162.425	WNG702	300	
Nobles	027105	Jeffers, MN	162.450	KXI31	1000	
Nobles	027105	Sioux Falls, SD	162.400	WXM28	1000	
Norman	027107	Detroit Lakes, MN	162.400	WXM64	300	
Norman	027107	Fargo, ND	162.475	WXK42	1000	
Norman	027107	Waubun, MN	162.450	WNG610	300	
Olmsted	027109	Rochester, MN	162.475	WXK41	1000	
Otter Tail	027111	Detroit Lakes, MN	162.400	WXM64	300	
Otter Tail	027111	Leader, MN	162.550	WXJ64	1000	
Otter Tail	027111	Long Prairie, MN	162.525	WNG673	1000	
Pennington	027113	Thief River Falls, MN	162.550	WXK43	1000	
Pine	027115	Aitkin, MN	162.450	KZZ84	1000	
Pine	027115	Duluth, MN	162.550	KIG64	1000	NE 1/4
Pine	027115	Pine City, MN	162.425	WNG678	1000	
Pine	027115	Spooner, WI	162.475	KZZ79	1000	
Pipestone	027117	Russell, MN	162.500	KXI50	1000	
Pipestone	027117	Sioux Falls, SD	162.400	WXM28	1000	
Polk	027119	Grand Forks, ND	162.475	WWF83	50	W 1/2
Polk	027119	Thief River Falls, MN	162.550	WXK43	1000	
Pope	027121	Appleton, MN	162.550	KXI32	1000	
Pope	027121	Kensington, MN	162.400	WNG707	1000	
Pope	027121	Long Prairie, MN	162.525	WNG673	1000	
Pope	027121	Willmar, MN	162.475	WXK44	1000	
Ramsey	027123	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Red Lake	027125	Thief River Falls, MN	162.550	WXK43	1000	
Redwood	027127	Jeffers, MN	162.450	KXI31	1000	
Redwood	027127	New Ulm, MN	162.525	KXI39	1000	
Redwood	027127	Olivia, MN	162.400	WNG711	300	
Redwood	027127	Russell, MN	162.500	KXI50	1000	
Renville	027129	Appleton, MN	162.550	KXI32	1000	
Renville	027129	New Ulm, MN	162.525	KXI39	1000	
Renville	027129	Norwood, MN	162.425	WNG685	300	
Renville	027129	Olivia, MN	162.400	WNG711	300	
Renville	027129	Willmar, MN	162.475	WXK44	1000	
Rice	027131	Mankato, MN	162.400	WXK40	1000	
Rice	027131	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Rock	027133	Sioux Falls, SD	162.400	WXM28	1000	
Roseau	027135	Roosevelt, MN	162.450	WWF45	190	

Roseau	027135	Thief River Falls, MN	162.550	WXK43	1000	
St. Louis	027137	Coleraine, MN	162.400	KZZ29	1000	Northwest
St. Louis	027137	Duluth, MN	162.550	KIG64	1000	Southeast
St. Louis	027137	Elephant Lake, MN	162.450	KZZ44	300	Northwest
St. Louis	027137	International Falls, MN	162.550	WXK45	1000	Northwest 1/4
St. Louis	027137	Virginia, MN	162.475	KZZ45	300	Northwest
Scott	027139	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Scott	027139	Norwood, MN	162.425	WNG685	300	
Sherburne	027141	Clearwater, MN	162.500	WNG676	1000	
Sherburne	027141	St. Cloud, MN	162.400	WXL65	1000	
Sibley	027143	New Ulm, MN	162.525	KXI39	1000	
Sibley	027143	Norwood, MN	162.425	WNG685	300	
Stearns	027145	Clearwater, MN	162.500	WNG676	1000	
Stearns	027145	Long Prairie, MN	162.525	WNG673	1000	
Stearns	027145	St. Cloud, MN	162.400	WXL65	1000	
Stearns	027145	Willmar, MN	162.475	WXK44	1000	
Steele	027147	Mankato, MN	162.400	WXK40	1000	
Stevens	027149	Appleton, MN	162.550	KXI32	1000	
Stevens	027149	Kensington, MN	162.400	WNG707	1000	
Stevens	027149	Willmar, MN	162.475	WXK44	1000	
Swift	027151	Appleton, MN	162.550	KXI32	1000	
Swift	027151	Willmar, MN	162.475	WXK44	1000	
Todd	027153	Leader, MN	162.550	WXJ64	1000	N
Todd	027153	Long Prairie, MN	162.525	WNG673	1000	
Traverse	027155	Kensington, MN	162.400	WNG707	1000	
Traverse	027155	South Shore, SD	162.425	WXM41	1000	
Wabasha	027157	Rochester, MN	162.475	WXK41	1000	
Wadena	027159	Detroit Lakes, MN	162.400	WXM64	300	
Wadena	027159	Leader, MN	162.550	WXJ64	1000	
Wadena	027159	Long Prairie, MN	162.525	WNG673	1000	
Wadena	027159	Park Rapids, MN	162.475	WWG98	1000	
Waseca	027161	Mankato, MN	162.400	WXK40	1000	
Washington	027163	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Watonwan	027165	Jeffers, MN	162.450	KXI31	1000	
Watonwan	027165	Mankato, MN	162.400	WXK40	1000	
Watonwan	027165	New Ulm, MN	162.525	KXI39	1000	
Wilkin	027167	Fargo, ND	162.475	WXK42	1000	
Wilkin	027167	Fergus Falls, MN	162.500	WNG680	1000	
Winona	027169	LaCrosse, MN	162.550	WXJ86	1000	
Winona	027169	Rochester, MN	162.475	WXK41	1000	
Wright	027171	Clearwater, MN	162.500	WNG676	1000	
Wright	027171	Minneapolis/St. Paul, MN	162.550	KEC65	1000	
Wright	027171	Norwood, MN	162.425	WNG685	300	
Wright	027171	Willmar, MN	162.475	WXK44	1000	
Yellow Medicine	027173	Appleton, MN	162.550	KXI32	1000	
Yellow Medicine	027173	Olivia, MN	162.400	WNG711	300	
Yellow Medicine	027173	Russell, MN	162.500	KXI50	1000	
Yellow Medicine	027173	Willmar, MN	162.475	WXK44	1000	

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